

HC 788-05 Brittany Quarters
SUB

MSA-S-1829-4998

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DS

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS**

1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338
www.dnr.state.md.us/criticalarea/

August 7, 2007

Ms. Michele Bynum
Harford Co. Dept. of Planning and Zoning
220 South Main Street
Bel Air, MD 21014

RE: Brittany Quarters Subdivision

Dear Ms. Bynum:

Thank you for providing information on the above referenced proposal. This approximately 29.55 acre site includes 20.28 acres within the Intensely Developed Area (IDA) of the Chesapeake Bay Critical Area. The applicant proposes to create 68 residential lots, 43 of which are within the Critical Area. I have provided Commission staff comments below.

1. The June 4, 2007 letter from the DNR Wildlife and Heritage Service indicates the applicant to the presence of a rare species Habitat Protection Area within or near the site. Also, the site is potentially a Forest Interior Dwelling Bird habitat. The applicant must address the concerns and implement any applicable guidelines or project design requirements referenced in this letter. Coordination with DNR may be necessary if appropriate habitat exist on site.
2. There are steep slopes and highly erodible soils on this site for which the 100-foot Buffer must be expanded. Harford County BZA case # 4197 approved impacts in the 100-foot expanded Buffer subject to conditions and based on Exhibit number 19 associated with that BZA case. This office does not have a readable copy of the BZA case exhibit showing the approved disturbance area in the expanded Buffer. The County has attested in a letter dated May 5, 2006, that a formerly approved subdivision on this site from 1992 showed a location of expanded Buffer that reflected the approval of BZA 4197. However, no copy of Exhibit 19 from the BZA case was submitted to this office. The approval granted in BZA 4197 approved disturbance within the Buffer, not a revised location for the expanded Buffer. For consistency with the BZA approval, the complete Critical Area 100-foot Buffer must be shown on all plan sets for this project expanded as required by COMAR 27.01.09.01.C (7) and the Harford County Code. Then, the specifically approved development disturbance area within the expanded Buffer

should be shown on the plans within a designated area delineated and labeled as "Disturbance Area Within Expanded 100-foot Buffer as approved by Harford County BZA case 4197." The plans must show that proposed Buffer impacts match those documented as the area approved by BZA case 4197. The County should ensure that the BZA 4197 approval from 1991 is still legally valid, and that the impact to the expanded Buffer approved by that case is accurately reflected on the current plans. If either of these stipulations are not the case, we do not recommend approval of the plans as submitted.

3. Mitigation for Buffer impacts must be calculated at a ratio of 3:1 based on the area delineated as explained above. The Buffer Management Plan submitted indicates that a fee in lieu will be used to meet the Buffer planting requirement. Allowing the applicant to pay a fee in lieu instead of planting is only acceptable once the applicant has shown that the higher priority planting location options are infeasible. The order of preference is as follows:
 1. On-site within the Buffer
 2. On-site adjacent to existing Buffer,
 3. On-site within the Critical Area,
 4. Off-site (follow order of preference of 1-3),
 5. Fee in lieu payment.
4. The applicant has submitted the 10% calculations including the off-site stormwater input which is required as a condition of approval of the Board of Appeals Case 4197. No credit can be included in the 10% calculations for this off-site stormwater management because its treatment was required as a condition of approval for a variance. The amount of impervious surface claimed for development on the lots should document actual proposed development coverage for the lots. Please have the applicant address the guidelines for calculating impervious surface in the Critical Area Commission 10% Stormwater Manual, Section 4.0, particularly documenting how the impervious area is calculated for what is proposed to be built on the lots. If changes are necessary to the 10% Worksheet A, please forward a copy of the revised worksheet to this office.
5. The proposed stormwater facilities claim credit for a surface sand filter; however, the plans show two facilities labeled as SWM Ponds. If a surface sand filter is proposed, the plans should show that the specifications and criteria of the MDE Stormwater Manual section 3.4 for this type of BMP are met, including Figure 3.12. In this case, please have the applicant address the criteria of Section 3.4. If SWM ponds are proposed, the 10% calculations should be corrected and resubmitted, and the plans must reflect compliance with Section 3.1 of the MDE manual. The applicant should ensure prior to plat approval, that the proposed stormwater BMP is feasible and will be accurately designed to meet MDE stormwater manual and Critical Area Commission 10% pollutant removal manual requirements. Until this information has been provided, the 10% calculations are not complete.

6. The applicant should address Harford County Code § 267-41.1.F(3)(a)[3] which states that unless determined to be technically infeasible by the Zoning Administrator in consultation with the Director of the Department of Public Works and the Harford County Soil Conservation District, permeable areas shall be established and maintained in vegetation in accordance with a landscaping plan approved by the Department of Planning and Zoning.

7. Although the 10% calculations were submitted, we are concerned about the long term viability of the stormwater system proposed. We continue to strongly recommend the applicant consider alternative measures. The plans submitted show an outfall from "SWM Pond No 2" within the Buffer of a non-tidal wetland, and vegetation clearing within the wetland. There may be impact to the wetland from discharging stormwater onto this steep slope and any highly erodible soils. Please also note that the proposed surface sand filters require frequent maintenance to prevent clogging, particularly for sites such as this one where the drainage area is larger than ten acres and the filter drains pervious surfaces (see Critical Area Commission 10% Manual page E-36). A failed system with conditions of steep slopes and highly erodible soils would be of particular concern for human safety, wildlife habitat and water quality conservation. The applicant should submit documentation of how the limitations of the proposed stormwater management system will be addressed.

Thank you for the opportunity to provide comments on this proposal. If you have any additional questions please contact me at 410-260-3479.

Sincerely,



Marshall Johnson
Natural Resources Planner

cc: HC 788-05

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS**

1804 West Street, Suite 100, Annapolis, Maryland 21401
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April 27, 2006

Mr. Nick Walls
Environmental Planner
Harford County Planning and Zoning
220 South Main Street
Bel Air, Maryland 21014

RE: Brittney Quarters Subdivision

Dear Mr. Walls:

This office has received the 10 % calculations, drainage area map and your e-mail dated April 14, 2006 in response to my January 17, 2006 letter. We have additional additional comments in response to your e-mail. COMAR 27.03.01.02C authorizes the Commission to request at anytime, additional information if it is necessary for accurate evaluation of the proposed activity.

1. Although the 10 % calculations were submitted, we are concerned about the long term viability of two stormwater management ponds proposed on steep slopes and on highly erodible soils. We continue to strongly recommend the applicant consider alternative measures. Please provide information on what methods have been considered.
2. Based on the information your office provided us previously, the Buffer does not appear to be consistent with the decision in the Board of Appeals Case No. 4197. Please provide the documents your office used to determine that the expanded Buffer is accurate.
3. Please provide additional information explaining how the stormwater management meets the requirements that were established in the Board of Appeals Case No. 4197 and how the applicant addressed conditions # 2, 9, and 10.
4. Please provide a copy of the plat showing all proposed impacts to nontidal wetlands before the final plat and permit are submitted and approved by the County.

Continued, Page Two
Brittney Quarters Subdivision
April 27, 2006

Please forward this information to our office for review and comments. If you have any questions, please feel free to call me at (410) 260-3483.

Sincerely,

A handwritten signature in cursive script that reads "Dawnn McCleary". The signature is written in black ink and is positioned above the printed name and title.

Dawnn McCleary
Natural Resources Planner

cc: Pete Gutwald
Pat Pudelkewicz
Regina Esslinger
HC 788-05

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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1804 West Street, Suite 100, Annapolis, Maryland 21401
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www.dnr.state.md.us/criticalarea/

January 17, 2006

Mr. Nick Walls
Environmental Planner
Harford County P & Z
220 South Main Street
Bel Air, Maryland 21014

RE: Brittney Quarters Subdivision

Dear Mr. Walls:

This office has reviewed the applicant's proposed subdivision to create 68 residential lots in which 43 lots are in the Critical Area. The site is 20.28 acres, is in an Intensely Developed Area, and was granted a variance to the expanded Buffer. We have the following comments.

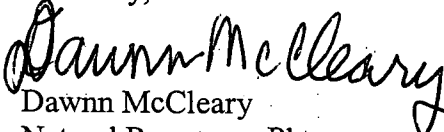
- 1) No information was provided regarding the amount of proposed impervious surface or 10 % reduction calculations. Please provide this for our review. ✓
- 2) The Buffer does not appear consistent with the decision in the Board of Appeals Case No.4197.
- 3) Case 4197 also includes several conditions regarding stormwater management. It does not appear that the applicant has addressed conditions # 2, 9, and 10.
- 4) Given the highly erodible soils and steep slopes, we strongly recommend that applicant consider a stormwater management approach similar to what was approved on the adjacent Old Trails subdivision.
- 5) The site includes a Habitat of Local Significance. The applicant must address the County's provision for this area.

Continued, Page Two
Brittney Quarter Subdivision
January 17, 2006

6) The plat for the adjacent Old Trails subdivision shows nontidal wetlands where the stormwater management outfall is proposed to the west of Lots 31 and 32. This wetland must be shown with appropriate buffers. It appears this proposed outfall could create erosion problems.

Once we receive the above information, we may have additional comments. If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,


Dawnn McCleary
Natural Resources Planner

cc: Pat Pudelkewicz
Regina Esslinger
HC 788-05

DAVID R. CRAIG
HARFORD COUNTY EXECUTIVE



LORRAINE COSTELLO
DIRECTOR OF ADMINISTRATION

HARFORD COUNTY GOVERNMENT

January 8, 2008

Mr. Marshall Johnson
Project Evaluation Division
Critical Area Commission
Chesapeake and Atlantic Coastal Bays
1804 West Street, Suite 100
Annapolis, Maryland 21401

Re: Brittany Quarters, Section II

Dear Mr. Johnson:

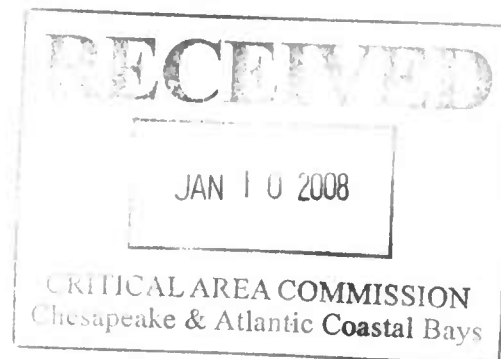
As per my response letter dated December 7, 2007, "all new documentation will be submitted to the Critical Area Commission for review". Enclosed is copy of the revised forest conservation/landscape plan for Brittany Quarters, 1/2008.

If you have any concerns regarding this revised plan, please don't hesitate to contact me at 410-638-3103 extension 1378.

Sincerely,

Michele Bynum
Critical Area Planner

cc: Patricia Pudelkewicz, Chief, Environmental Planning
Moe Davenport, Chief, Development Review Section



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788-05

DAVID R. CRAIG
HARFORD COUNTY EXECUTIVE



C. PETE GUTWALD
DIRECTOR OF PLANNING & ZONING

LORRAINE COSTELLO
DIRECTOR OF ADMINISTRATION

HARFORD COUNTY GOVERNMENT

Department of Planning and Zoning

May 1, 2008

Mr. Marshall Johnson
Project Evaluation Division
Critical Area Commission
Chesapeake and Atlantic Coastal Bays
1804 West Street, Suite 100
Annapolis, Maryland 21401

Re: Brittany Quarters, Section II

Dear Mr. Johnson:

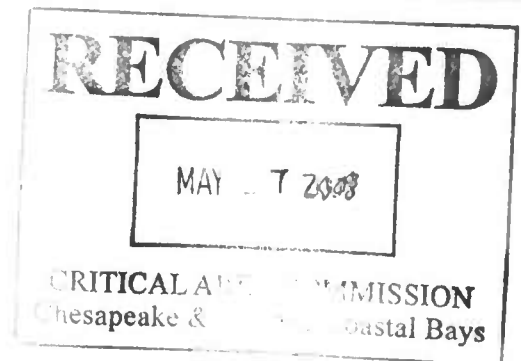
As per my response letter dated December 7, 2007, "all new documentation will be submitted to the Critical Area Commission for review". Enclosed is copy of the revised forest conservation/landscape plan for Brittany Quarters, dated 4/28/2008.

If you have any concerns regarding this revised plan, please don't hesitate to contact me at 410-638-3103 extension 1378.

Sincerely,

Michele Bynum
Critical Area Planner

cc: Patricia Pudelkewicz, Chief, Environmental Planning
Moe Davenport, Chief, Development Review Section



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(410) 638-3103

MY DIRECT PHONE NUMBER IS

DAVID R. CRAIG
HARFORD COUNTY EXECUTIVE

LORRAINE COSTELLO
DIRECTOR OF ADMINISTRATION



C. PETE GUTWALD
DIRECTOR OF PLANNING & ZONING

HARFORD COUNTY GOVERNMENT

Department of Planning and Zoning

June 26, 2007

Mr. Marshall Johnson
Project Evaluation Division
Critical Area Commission
Chesapeake and Atlantic Coastal Bays
1804 West Street, Suite 100
Annapolis, Maryland 21401

Re: Brittany Quarters, Section II

Dear Mr. Johnson:

I am submitting the attached Project Notification Application with the following comments:

- A storm water management plan has not been submitted for this phase, although there have been past concerns regarding the SWM.
- A buffer management plan was recently submitted which addresses only .98 acres of fee-in-lieu mitigation.
- There are street tree plantings outlined on a forest conservation plan from 10/18/2005 but not sure if this should be included in the total on-site reforestation.
- This subdivision plan was subject to BOA case #4197 dated December 3, 1991 which approved variances to allow impacts to the Critical Area Buffers.

A copy of the environmental review from Lori Byrne of the Department of Natural Resources, preliminary plan approval 12/21/2006, and other documents are also enclosed to provide background information for this plan.

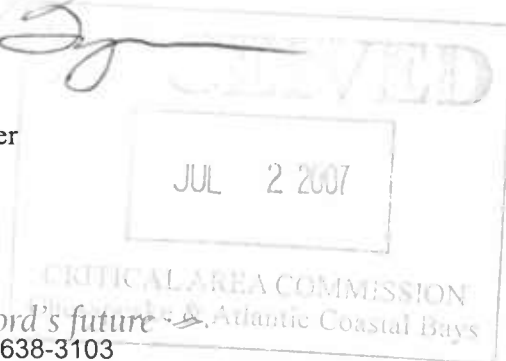
If you have any concerns regarding the attached documentation, please don't hesitate to contact me at 410-638-3103 extension 1378.

Sincerely,

Michele Bynum
Critical Area Planner

MB/dl

CC: Patricia Pudelkewicz, Chief, GIS and Environmental Planning



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(410) 638-3103

MY DIRECT PHONE NUMBER IS

220 SOUTH MAIN STREET BEL AIR, MARYLAND 21014 410.638.3000 • 410.879.2000 • TTY 410.638.3086 • www.harfordcountymd.gov

THIS DOCUMENT IS AVAILABLE IN ALTERNATIVE FORMAT UPON REQUEST.

DAVID R. CRAIG
HARFORD COUNTY EXECUTIVE



LORRAINE COSTELLO
DIRECTOR OF ADMINISTRATION

HARFORD COUNTY GOVERNMENT

December 7, 2007

Mr. Marshall Johnson
Project Evaluation Division
Critical Area Commission
Chesapeake and Atlantic Coastal Bays
1804 West Street, Suite 100
Annapolis, Maryland 21401

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DEC 12 2007

CRITICAL AREA COMMISSION
Chesapeake & Atlantic Coastal Bays

Re: Brittany Quarters, Section II

Dear Mr. Johnson:

This letter is in response to your review dated August 7, 2007. Harford County Planning and Zoning has reviewed your comments and we offer the following response:

1. This plan was previously submitted on April 12, 2006. Comments were received from Dawnn McCleary in letter dated April 27, 2006 and Harford County addressed those comments in a letter dated May 5, 2006; additional requested information from Fred Ward Associates was sent on May 31, 2006 to address SWM concerns. Subsequently, Harford County approved the Preliminary Plan on December 14, 2006.
2. Harford County is now reviewing the SWM plan. We rely on our DPW to address concerns regarding SWM. In addition, permits may be required through Maryland Department of the Environment and/or Army Corps of Engineers to substantiate the adequacy of the new SW outfall plan.
3. The Buffer Management Plan for fee-in-lieu submitted on June 18, 2007 by Frederick Ward Associates and Manekin Corporation will not be sufficient to meet BMP requirements. A landscaping plan has been requested from Jen Wilson of Fred Ward Associates that will detail channel stabilization of the outfall. Harford County is seeking as much on-site planting as possible.
4. Plats for the development are currently on-hold until all necessary documents, Forest Conservation Plan, and Site Plan are revised according to the Preliminary Plan signed on December 14, 2006. The expanded buffer delineation as outlined in BZA case #4197 was previously addressed in a response to Dawnn McCleary in the letter dated May 5, 2006 from Nick Walls; exhibit 19 was reviewed during the BZA process for accuracy.
5. All new documentation will be submitted to the Critical Area Commission for review.

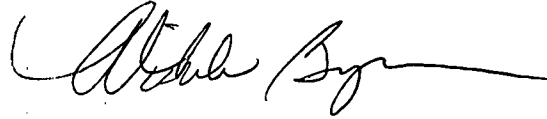
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THIS DOCUMENT IS AVAILABLE IN ALTERNATIVE FORMAT UPON REQUEST.

If you have any concerns regarding our comments, please don't hesitate to contact me at 410-638-3103 extension 1378.

Sincerely,

A handwritten signature in cursive script, appearing to read "Michele Bynum", with a long horizontal flourish extending to the right.

Michele Bynum
Critical Area Planner

CC: Patricia Pudelkewicz, Chief, Environmental Planning
Moe Davenport, Chief, Development Review Section

HC 220-02

DAVID R. CRAIG
HARFORD COUNTY EXECUTIVE



C. PETE GUTWALD
DIRECTOR OF PLANNING & ZONING

LORRAINE COSTELLO
DIRECTOR OF ADMINISTRATION

HARFORD COUNTY GOVERNMENT

Department of Planning and Zoning

May 31, 2006

Ms. Dawnn McCleary
Chesapeake Bay Critical Area Commission
1804 West Street, Suite 100
Annapolis, Maryland 21401

RE: Flying Point Marina & Brittany Quarters

Dear Ms. McCleary:

As per your request, please find attached copies of the Flying Point Marina FIDS clearing calculations, 10% Worksheet, and Landscaping plan showing the compliance with the Buffer Exempt Area regulations.

Additionally, enclosed is a response from Fred Ward Associates that details their stormwater management proposal for Brittany Quarters. This letter is in response to your request for more information on the process by which the stormwater management facilities were identified.

If you have any questions, please do not hesitate to contact me at (410) 638-3103 ext 1378.

Sincerely,

Nick Walls
Critical Area Planner

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CRITICAL AREA COMMISSION

enc
cc File

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MY DIRECT PHONE NUMBER IS (410) 638-3103

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DAVID R. CRAIG
HARFORD COUNTY EXECUTIVE



C. PETE GUTWALD
DIRECTOR OF PLANNING & ZONING

LORRAINE COSTELLO
DIRECTOR OF ADMINISTRATION

HARFORD COUNTY GOVERNMENT

Department of Planning and Zoning

May 5, 2006

Ms. Dawnn McCleary
Chesapeake Bay Critical Area Commission
1804 West Street, Suite 100
Annapolis, Maryland 21401

RE: Brittany Quarters

Dear Ms. McCleary:

This letter is in response to your comments dated April 27th 2006. The Harford County Department of Planning and Zoning has reviewed your comments and offers the following conclusions:

1. In regards to the 10% Worksheet and calculations, we have submitted to you the applicant's plan for meeting these requirements. We understand your concerns regarding the location of the stormwater management facilities as they are currently placed on steep slopes and erodible soils. We rely on Harford County's engineers to provide the technical review of these facilities and to ensure the facilities meet the Stormwater 2000 regulations for design and build criteria. Any deficiencies in these plans will be addressed during the stormwater plan review process. We will forward your request for information to Frederick Ward Inc. in regards to the stormwater facility type and the process by which it was selected. Once we have received any information in this regard, we will forward it to your office.
2. A copy of an approved plan from 1992 is included in this submission. This plan shows the expanded buffer to be located in a consistent fashion with the plan submitted in 2005/2006. As this preliminary plan (1992) was submitted shortly after the approval of the variance, it is considered the most accurate representation of the location of the expanded buffer available at this time. This document was approved by the Department of Planning and Zoning on December 23, 1992. Based on this plan, the Department of Planning and Zoning had decided that the location of the expanded buffer, as currently shown on the new preliminary plan, is accurate.

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MAY 12 2006

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MY DIRECT PHONE NUMBER IS

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CRITICAL AREA COMMISSION
Chesapeake & Atlantic Coastal Bays

Page 2

Dawnn McCleary

Re: Brittany Quarters

3. The applicant has met the conditions established by the Hearing Examiner's decision in regards to stormwater management.
 - a. Condition 2 of the variance requires that "All storm water run-off from the entire development and run-off from the existing development to the north of the site shall be treated by storm water management facilities located on the site." This plan shows the location of a storm drain network and swales that capture the runoff from the surrounding development within this drainage area and is indicated in the red line revisions. This system collects the runoff and directs it to the stormwater management facilities as indicated on this plan. By providing this network, the applicant meets condition 2.
 - b. Condition 9 of the variance requires that "Storm water management structures shall be conveyed in a non-erosive manner to a stable outlet." The applicant is aware of this requirement and has indicated that they will be addressing this issue. The preliminary plan indicates that they will be stabilizing the channel into which the discharge will be conveyed through the application of rip-rap. We have requested more information to be submitted in order to substantiate the adequacy of this protection strategy. This information will be submitted to us prior to the issuance of a grading permit and will be forwarded to you at that time.
 - c. Condition 10 of the variance requires that "Storm drain outfalls from the existing off-site development shall be tied into the storm drain system for the subject property and conveyed to the proposed storm water management facilities." The applicant has met this requirement by providing a storm drain system that ties into the existing development to the north of the site and which conveys the run-off to the on-site stormwater facilities. This network is indicated in red line on the most recent series of plans submitted to your office. The applicant has therefore met condition 10 of the Variance.
4. We will provide your office with a copy of the plat when it is submitted to our Department. The location of the non-tidal wetlands will be shown on the plat.

Thank you for providing your comments in such a timely manner; it is greatly appreciated. If you have any questions or concerns, please do not hesitate to contact my office at (410) 638-3103 ext. 1378.

Sincerely



Nick Walls

Critical Area Planner

enc.

DAVID R. CRAIG
HARFORD COUNTY EXECUTIVE



ANTHONY S. McCLUNE
ACTING DIRECTOR OF PLANNING & ZONING

LORRAINE COSTELLO
DIRECTOR OF ADMINISTRATION

HARFORD COUNTY GOVERNMENT

Department of Planning and Zoning

November 30, 2005

Ms. Dawnn McCleary
Chesapeake Bay Critical Area Commission
1804 West Street, Suite 100
Annapolis, Maryland 21401

RE: Brittany Quarters

Dear Ms. McCleary:

Enclosed is a copy of the subdivision plan for Brittany Quarters. This plan proposes to create 68 residential lots, 43 of which are within the Critical Area. The Land Use Designation is IDA. This property was the subject of the Board of Appeals Case 4197. This property was granted a variance to the extent of the expanded Buffer.

This plan does not provide information as to the amount of proposed impervious surface or the 10% Reduction calculations as required in the IDA. This information has been requested and will be forwarded to you as soon as possible.

Please review this project and return your comments to us as soon as possible. If you require any more information, please contact me at (410) 638-3103.

Sincerely,

Nick Walls
Critical Area Planner

RECEIVED

DEC 2 2005

NW/dl

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MY DIRECT PHONE NUMBER IS

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THIS DOCUMENT IS AVAILABLE IN ALTERNATIVE FORMAT UPON REQUEST.



Martin O'Malley, Governor
Anthony G. Brown, Lt. Governor
John R. Griffin, Secretary
Eric Schwaab, Deputy Secretary

June 4, 2007

Mr. Brad Tully
Frederick Ward Associates
P.O. Box 727
5 South Main Street
Bel Air, MD 21014-0727

RE: Environmental Review for Brittany Quarters Proposed Subdivision, FWA Project No. 2051137.00, off of Haverhill Road and Foster Knoll Road, Joppatowne Area, Harford County, Maryland.

Dear Mr. Tully:

The Wildlife and Heritage Service's database indicates that there is a population of state rare Spongy Lophotocarpus (*Sagittaria calycina*) occurring in close proximity to the project site, along the shoreline of Foster Branch. This population occurs within a Habitat Protection Area (HPA) designated as such by the County as HA L-14 and regulated within the Chesapeake Bay Critical Area. The project site appears to overlap with the boundaries of this HPA and it is also possible that the *Sagittaria* could potentially occur on the project site itself, if the appropriate intertidal habitat is present. Activities that cause sedimentation and erosion on the project site may result in adverse impacts to this known population. Therefore we would encourage the applicant to adhere to all best management practices during all phases of construction, in order to avoid degradation of habitat for the *Sagittaria* and other important native species.

Our analysis of the information provided also suggests that the forested area on the project site contains Forest Interior Dwelling Bird habitat. Populations of many Forest Interior Dwelling Bird species (FIDS) are declining in Maryland and throughout the eastern United States. The conservation of this habitat is mandated within the Critical Area and must be addressed by the project plan. Specifically, if FIDS habitat is present, the following guidelines should be incorporated into the project plan:

1. Restrict development to nonforested areas.
2. If forest loss or disturbance is unavoidable, concentrate or restrict development to the following areas:
 - a. the perimeter of the forest (i.e., within 300 feet of existing forest edge)
 - b. thin strips of upland forest less than 300 feet wide
 - c. small, isolated forests less than 50 acres in size
 - d. portions of the forest with low quality FIDS habitat, (i.e., areas that are already heavily fragmented, relatively young, exhibit low structural diversity, etc.)

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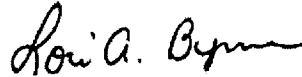
3. Maximize the amount of forest "interior" (forest area >300 feet from the forest edge) within each forest tract (i.e., minimize the forest edge:area ratio). Circular forest tracts are ideal and square tracts are better than rectangular or long, linear forests.
4. Minimize forest isolation. Generally, forests that are adjacent, close to, or connected to other forests provide higher quality FIDS habitat than more isolated forests.
5. Limit forest removal to the "footprint" of houses and to that which is necessary for the placement of roads and driveways.
6. Minimize the number and length of driveways and roads.
7. Roads and driveways should be as narrow and as short as possible; preferably less than 25 and 15 feet, respectively.
8. Maintain forest canopy closure over roads and driveways.
9. Maintain forest habitat up to the edges of roads and driveways; do not create or maintain mowed grassy berms.
10. Maintain or create wildlife corridors.
11. Do not remove or disturb forest habitat during April-August, the breeding season for most FIDS. This seasonal restriction may be expanded to February-August if certain early nesting FIDS (e.g., Barred Owl) are present.
12. Landscape homes with native trees, shrubs and other plants and/or encourage homeowners to do so.
13. Encourage homeowners to keep pet cats indoors or, if taken outside, kept on a leash or inside a fenced area.
14. In forested areas reserved from development, promote the development of a diverse forest understory by removing livestock from forested areas and controlling white-tailed deer populations. Do not mow the forest understory or remove woody debris and snags.
15. Afforestation efforts should target a) riparian or streamside areas that lack woody vegetative buffers, b) forested riparian areas less than 300 feet wide, and c) gaps or peninsulas of nonforested habitat within or adjacent to existing FIDS habitat.

The Critical Area Commission's document "A Guide to the Conservation of Forest Interior Dwelling Birds in the Chesapeake Bay Critical Area" provides details on development standards and information about mitigation for projects where impacts to FIDS habitat cannot be totally avoided. Mitigation plantings for impacts to FIDS habitat may be required under the local government's Critical Area Program. The amount of mitigation required is generally based in whether or not the guidelines listed above are followed.

Page 3

Thank you for allowing us the opportunity to review this project. If you should have any further questions regarding this information, please contact me at (410) 260-8573.

Sincerely,

A handwritten signature in cursive script that reads "Lori A. Byrne".

Lori A. Byrne,
Environmental Review Coordinator
Wildlife and Heritage Service
MD Dept. of Natural Resources

ER #2007.0887.ha
cc: D. Brinker, DNR
L. Hoerger, CAC

BOARD OF APPEALS CASE NO. 4197 *
 APPLICANT: Lee National Corp. *
 REQUEST: Interpretation and/or *
 variance to permit new develop- *
 ment in the Critical Area Buffer; *
 end of Foster Knoll Drive, Joppa *
 HEARING DATE: October 30, 1991 *

BEFORE THE
 ZONING HEARING EXAMINER
 OF HARFORD COUNTY

Hearing Advertised
 Aegis: 9/11/91 & 9/18/91
 Record: 9/11/91 & 9/18/91

* * * * *

ZONING HEARING EXAMINER'S DECISION

The Applicant is Lee National Corporation. The Applicant is requesting an Interpretation of the Department of Planning and Zoning's determination of the Critical Area Buffer or, in the alternative, a variance to allow new development to take place in the Critical Area.

The subject parcel is located in Joppatowne, south of Joppa Farm Road, at the end of Haverhill Road, Brittany Drive, Chimney Oak Drive, and Foster Knoll Drive, in the First Election District. The parcel is identified as Parcel No. 195, in Grid 3-B, on Tax Map 69. The parcel contains 29.552 acres, more or less, all of which is zoned R3. Approximately 19.8 acres of the parcel is located within the Chesapeake Critical Area, and the parcel is classified as an Intensely Developed Area (IDA).

Mr. Edwin J. Garling appeared and testified that he is a land use analysis and project manager for Lee National Corporation. Mr. Garling testified that the subject property is bound by existing residential development to the north, property owned by Old Trails Partnership to the southwest, and the Penn Central Railroad tracks to the southeast. The property is undeveloped and covered by brush and secondary growth, with water, sewer, drainage lines, and roads from adjacent residential development intersecting the site.

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Mr. Garling said the Applicant has owned the subject property since 1982, when it was conveyed to the Applicant from other corporate affiliates of the Applicant who owned the property since the early 1970's. The witness said the subject property was purchased for residential development initially in the early 1960's. Mr. Garling also said that the subject property has not been developed because a sewer moratorium has been in place since 1976. Mr. Garling explained that the subject property was always intended to be developed for residential use and that the original development plan for the site was approved in 1961 and revised plans were approved in 1965 and again in 1972. The latest preliminary plan approved for the site was for 185 lots in November, 1976.

Mr. Garling described the proposed development using a site plan, labeled as Applicant's Exhibit No. 17. He indicated that approximately 108 lots, each 5,000 square feet, with zero lot line houses could be created. He said all lots would be clustered away from slopes, and he indicated all open spaces would be designated as common areas, which could be managed by the homeowners' association. Mr. Garling also said passive open space would be left in its natural state and isolated large trees would be retained wherever possible. Mr. Garling noted that the site plan was conceptual in nature and it may be necessary to make minor modifications to the plan, but he testified no additional critical area buffer would be disturbed if the plan is modified.

Mr. Garling said that the Applicant would suffer practical difficulty and unreasonable hardship if the variance is denied because the four stub roads could not be connected to complete the traffic circulation plan and a large number of the proposed lots could not be developed.

The next witness to testify was Craig Ward, who qualified as an expert witness in the field of civil engineering. Mr. Ward testified that he prepared the site plan for the proposed development, which would be served by public water and sewer, and that the project was designed around topographic conditions contained on the site. Mr. Ward concluded his testimony by saying that the proposed site plan was consistent with generally accepted engineering practices and principles.

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The next witness to testify on behalf of the Applicant was Torrence M. Pierce, who qualified as an expert in the field of engineering and was allowed to render opinions regarding sediment control and storm water management. Mr. Pierce said that he has visited the site, was familiar with the Applicant's request, and located the proposed storm water management facilities as shown on Applicant's Exhibit No. 18. The witness said that the storm water management facilities will manage all storm water run-off created by the project, as well as run-off from existing developments to the north of the site. He said the storm water management facilities will be retention basins which will collect the run-off and then discharge it through an out fall or pipe to an existing swale. Mr. Pierce said that, in his opinion, the proposed storm water management facility meets or exceeds all applicable requirements and will enable the Applicant to meet the required 10% pollutant loading reduction for development of property classified IDA. Mr. Pierce said that he has reviewed the Staff Report of the Department of Planning and Zoning, as well as the letter of October 22, 1991 from Michael Shockley of the Soil Conservation District. Mr. Pierce said that he met with Mr. Shockley and, according to Mr. Shockley, the items listed in his letter were not recommendations but were rather comments concerning the Applicant's request. Mr. Pierce said that assuming the comments were recommended conditions, he felt that Comments 1, 3, 4, 5, 6 and 7 in the letter of October 22, 1991 were appropriate conditions of approval. He explained that Comment 2, which recommended that water quality treatment for the first one-half inch of run-off be provided for the entire development rather than just the newly created impervious surface was ambiguous. Mr. Pierce said that because the proposed storm water management facility would treat all run-off water from the entire development, including that cause by adjoining, existing developments to the north, Comment 2 was adequately addressed.

Mr. Pierce went on to say that Comment 8 was generally acceptable. He agreed that the storm drain out fall from the existing off-site development should be tied into the storm drain system for the subject property and conveyed to the proposed storm water management facility.

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He said he was not sure what Mr. Shockley meant by "consideration should be given to requiring, at a minimum, quantitative treatment of storm water run-off conveyed to the site by the existing off site developments. He noted that all of the run-off that is created from the stubbed off roads entering into the property would be controlled on-site and treated by the storm water management facility as proposed. Therefore, he felt this comment was also addressed.

In addition, Mr. Pierce said that he had reviewed the Staff Report and the five conditions of approval recommended on page 9 of the Staff Report. Mr. Pierce said that Conditions 1, 3 and 5 were simply recitations of existing State law with which the Applicant was required to comply. He said Condition 2 was apparently taken from Mr. Shockley's letter of October 22, 1991, and Mr. Pierce said he already addressed that condition. Mr. Pierce said that Condition 4, which called for the phasing plan for construction to be submitted at the time of preliminary plan review and approval by the Department of Planning and Zoning, which includes staging of site grading and unit construction, was appropriate. In addition, Mr. Pierce said that phased land clearing and no mass grading of the entire site were additional sediment control measures which should be implemented. He stated that the project manager should be made aware of the sediment control requirements to be met on site and that an independent project engineer should monitor compliance with such requirements on an as needed basis.

Mr. Pierce also testified that he designed the proposed storm water management facilities. He said that, in his opinion, the proposed location for these facilities was the best for the site and would maintain all storm water run-off created both on and off site and, accordingly, they should not be disturbed since doing so would reduce their effectiveness.

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Mr. Pierce went on to testify that he also selected the pump station location as shown on Applicant's Exhibit No. 17. He said that, from an engineering standpoint, it is the best location on the site and would enable the Applicant to comply with the required 200 foot setback from residential lots or property lines. He said that if the pumping station were moved as proposed by the Staff Report, it would not function as well, as a gravity feed station, because as a gravity feed station, it needs a lower elevation to function effectively.

Mr. Pierce stated that, based on the sediment control and storm water management controls to be implemented, in his opinion, no sensitive environments, including streams, wetlands or other aquatic environments would be disturbed or adversely affected by erosion or storm water run-off either during or after construction. He also stated that for the above mentioned reasons, adjacent properties would not be adversely affected by storm water run-off or erosion. In fact, he pointed out that the development as proposed would, as Mr. Shockley indicated, address an existing erosion and storm water management problem caused in part by the existing subdivisions to the north.

The final witness to testify on behalf of the Applicant was Robert Jones, who was accepted as an expert in the field of environmental science. Mr. Jones testified that he prepared a pre and post development environmental assessment for the site. He said he was familiar with the proposed development of the subject parcel, the nature of the Applicant's request, and had personally visited the subject property.

Using the Buffer Plan (Applicant's Exhibit No. 19), Mr. Jones indicated the boundaries of tidal waters (in blue), the subject property (in black), the critical area buffer (in red), the expanded buffer, as recommended by the Department of Planning and Zoning (in light green), and the buffer proposed by the Applicant (in dark green).

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Mr. Jones briefly described the proposed development. He noted that the allowable density for the subject property was 5 to 10 dwelling units per acre. However, the Applicant's proposed density was 3.5 dwelling units per acre. He said that, pursuant to the Code, 8 acres of passive open space would be provided, which is 3.7 acres more than the Code requires. He also testified that all mature, valuable trees located on the site would be protected, but that some trees technically classified as forest would be removed. These trees consist of secondary growth that has occurred on the subject property after it was completely cleared in 1976. Mr. Jones described highly erodible soil as those which are prone to erosion and that a "K" value is a scientific value assigned to soil which measures their erodibility. Mr. Jones testified that, with the exception of the critical area buffer, no habitat protection areas are located on the site or proposed for disturbance. An area of the Parkers Pipewort, an endangered plant species, was identified off-site. Recommendations for an appropriate protective zone which is not regulated as a habitat protection area was obtained from the Maryland Forest Park and Wildlife Service. A small portion of this area does fall on the subject property. However, this area is not proposed for disturbance; therefore, no impact to that species will occur.

Mr. Jones stated he believed that the plain language of the Code gives the Department of Planning and Zoning the power to decide whether disturbance of critical areas would impact aquatic environments on a case-by-case basis. Here, as a result of the environmental controls to be implemented as described by Mr. Pierce and Mr. Ward, he said it was clear that no such impact would result if development took place as proposed. In the alternative, Mr. Jones said that the testimony of Mr. Pierce and Mr. Ward clearly shows that the proper environmental controls would ensure that no adverse impact would result to aquatic environments if the area was disturbed, and such a variance was justified and should be granted.

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Mr. Jones went on to say that, in his opinion, the development as proposed, including the variance, would not impair the purpose of the critical area overlay district since it was shown conclusively that no adverse impact would result to aquatic environments if disturbance was allowed as proposed.

Ms. Arden Holdredge, Chief of Current Planning, testified on behalf of the Department of Planning and Zoning at the conclusion of the Applicant's case. She said that even though the County Council classified the property as an intensely developed area (IDA) in 1988, the Critical Area Commission had recommended otherwise. She said that she recognized that the plan presented by the Applicant was conceptual in nature which made evaluating the plan difficult. She said that the Department simply did not feel that the extent of the variance requested had been justified, and recommended that the Hearing Examiner uphold the Department's interpretation and recommendations in the Staff Report.

No protestants appeared in opposition to the request.

CONCLUSION:

There are two issues in this case: (1) Does the Department of Planning and Zoning have the authority to expand the minimum Critical Area Buffer? and, (2) If so, has the Applicant proven sufficient facts to obtain a variance to use a portion of the expanded Critical Area Buffer.

Dealing with the first issue pertaining to expansion of the Critical Area Buffer, Section 267-41.1(G)(2)(a) is controlling and states:

"Critical Area Buffer. An area a minimum one hundred (100) feet in width as measured from the mean high water line of tidal waters, tidal wetlands and tributary streams shall be established and maintained in a natural condition. This buffer area is to be expanded beyond one hundred (100) feet to include contiguous sensitive areas such as steep slopes, hydric soils and highly erodible soils whose developments or disturbance may impact streams, wetlands or other aquatic environments. In the case of contiguous slopes of fifteen percent (15%) or greater, the buffer is to be expanded for (4) feet for every one percent (1%) of slope or to the top of the slope, whichever is greater in extent."

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- (2) That the granting of a variance will not confer upon the applicant any special privilege that would be denied by this section to other lands or structures within the critical area.

The Applicant, in response to that Section, argues that granting the variance would not confer any special privilege on the Applicant that would not be available to other lands or structures within the Critical Area. Anyone should be allowed to develop their property if they can show that, through the implementation of environmental controls, no adverse impact on aquatic environments would result. Every land owner, assuming he could impose the same environmental controls as the Applicant, can develop his property as the Applicant proposes. Thus, no privilege would be conferred by granting the variance.

- (3) That the variance request is not based upon conditions or circumstances which are the result of actions by the applicant, nor does the request arise from any condition relating to land or building use, either permitted or non-conforming, on any neighboring property.

In response to that Section, the Applicant argues it is obvious that the variance request was not based on conditions or circumstances which were the result of actions by the Applicant or from any condition relating to land or building use, and that the variance is required due to specific conditions of the subject parcel.

- (4) That the granting of a variance will not adversely affect water quality or adversely impact fish, wildlife or plant habitat within the critical area, and the granting of the variance will be in harmony with the purpose and intent of this section.

The Applicant argues that, based on the environmental control measures being implemented, there will be no adverse impact on water quality, fish, wildlife or plant habitat within the Critical Area. The variance will be in harmony with the purpose and intent of the law, since no environmental damage whatsoever would result from granting the requested variance.

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- (5) That all identified habitat protection areas on or adjacent to the site have been protected by the proposed development and implementation of either on-site or off-site programs.

The Applicant, in response to that Section, has introduced evidence that all identified habitat protection areas will be protected except, of course, the expanded Critical Area Buffer located on the site to be disturbed, which is the subject of the requested variance.

- (6) That the growth allocation for the county will not be exceeded by the granting of the variance.

The Applicant testified that the growth allocation for the County is not affected by this request.

The Applicant must also comply with the requirements of Section 267-11 of the Zoning Code, which permits variances, provided that the Board finds:

- (1) By reason of the uniqueness of the property or topographical conditions, the literal enforcement of this Code would result in practical difficulty or unreasonable hardship.
- (2) The variance will not be substantially detrimental to adjacent properties or will not materially impair the purpose of this Code or the public interest.

In response to that Section, the Applicant argues first that the subject property has an irregular shape and contains highly erodible soil and steep slopes. It does not lie adjacent to tidal waters, but is separated from them by an undeveloped parcel which varies in width from 130 to 700 feet. It is the last undeveloped section in Joppatowne and has four stub roads leading into it with an adjacent subdivision causing run-off and sediment control problems. It has also been planned for residential development and was totally cleared in 1976. The County Council intended that it be developed when it was classified an Intensely Developed Area (IDA) in 1988, but due to a sewer moratorium, the parcel has not been developed and is, therefore, clearly unique.

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It is the opinion of the Hearing Examiner that Section 267-41.1(G)(2)(a) of the Code requires the Department to expand the Critical Area Buffer within the limits set forth in that Section. The Department, based on that Section, has indicated (on Attachment No. 7 to the Staff Report), the Critical Area Buffer. It is further the opinion of the Hearing Examiner, based upon the information available to the Department at the time of preparation of the Staff Report and Attachment No. 7, that the Department of Planning and Zoning made the correct interpretation of the expanded Critical Areas Buffer.

Having decided that the Department of Planning and Zoning's interpretation of the Critical Areas Buffer is correct, it must now be determined whether the Applicant has produced sufficient facts to be granted a variance to disturb the expanded Critical Areas Buffer. The Applicant is requesting a variance for 7.69 acres on the total parcel of 29.55 acres. In order to be granted a variance, the Applicant must comply with Section 267-11 of the Harford County Code, pertaining to variances, and Section 267-41.1(H) of the Code pertaining to variances in the Critical Area.

Section 267-41.1(H) of the Code sets forth a 6 part test for variances in the Critical Area. Those areas are:

- (1) That a literal interpretation of the provisions of this section will deprive the applicant of rights commonly enjoyed by other properties in similar geographic and land use management areas within the critical area.

The Applicant's response to that Section is the literal enforcement of the law would deprive the Applicant of rights commonly enjoyed by other properties in similar geographic and land use management areas within the Critical Area. The subject property contains soil and slopes which prevent the proposed development, while other similar properties do not. Therefore, unless the requested variance is granted, the right to develop property would be given to the owners of other properties but not to the Applicant.

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Second, Mr. Edwin J. Garling, a land use analysis and project manager for the Applicant, testified the property is unique and has special topographic conditions and the literal enforcement of the Code would result in practical difficulty or unreasonable hardship in that it would unreasonably limit the use of the parcel and would prevent the Applicant from completing the traffic circulation pattern by connecting the four stub roads which end on the subject property.

Third, because of the environmental controls agreed to by the Applicant, the variance would not be detrimental to adjacent properties and would not materially impair the public interest or the purpose of the Code.

It is the recommendation of the Hearing Examiner that the requested variance to grant development activities in the Critical Area Buffer, as shown on Applicant's Exhibit No. 19, be granted, subject to the following conditions:

1. Efforts shall be made by the Applicant to retain as much forested area as possible. Retained forested areas shall be in blocks, particularly in sensitive areas adjacent to drainage ways, wetlands, flood plains, steep slopes, and on soils mapped LyD and Av.
2. All storm water run-off from the entire development and run-off from the existing development to the north of the site shall be treated by storm water management facilities located on the site.
3. Infiltration practices shall be used to the maximum extent possible for both qualitative and quantitative management of storm water run-off.
4. Storm water management structures shall be used for sediment control during site development.


Case No. 4197 - Lee National Corporation

5. The Applicant shall maintain perimeter sediment controls during mass grading, road and utility construction, and building phases.
6. The Applicant shall phase construction activities and related erosion sediment controls.
7. Sediment retention structures shall be designed to utilize 3,600 cubic feet of storage per acre of drainage area.
8. The phasing plan for construction shall be submitted at the time for preliminary plan review and approval by the Department of Planning and Zoning. The phasing plan shall include the staging of site grading and unit construction. Mass grading of the entire site shall not be permitted.
9. Storm water management structures shall be designed to provide discharge to be conveyed in a non-erosive manner to a stable outlet.
10. Storm drain outfalls from the existing off-site development shall be tied into the storm drain system for the subject property and conveyed to the proposed storm water management facilities.
11. Lot grading and on-site drainage shall minimize water flow across lots.
12. The project manager for construction of the proposed development shall be instructed as to applicable sediment control and storm water management requirements by an independent project engineer. The project engineer shall monitor compliance with such requirements on an as needed basis.

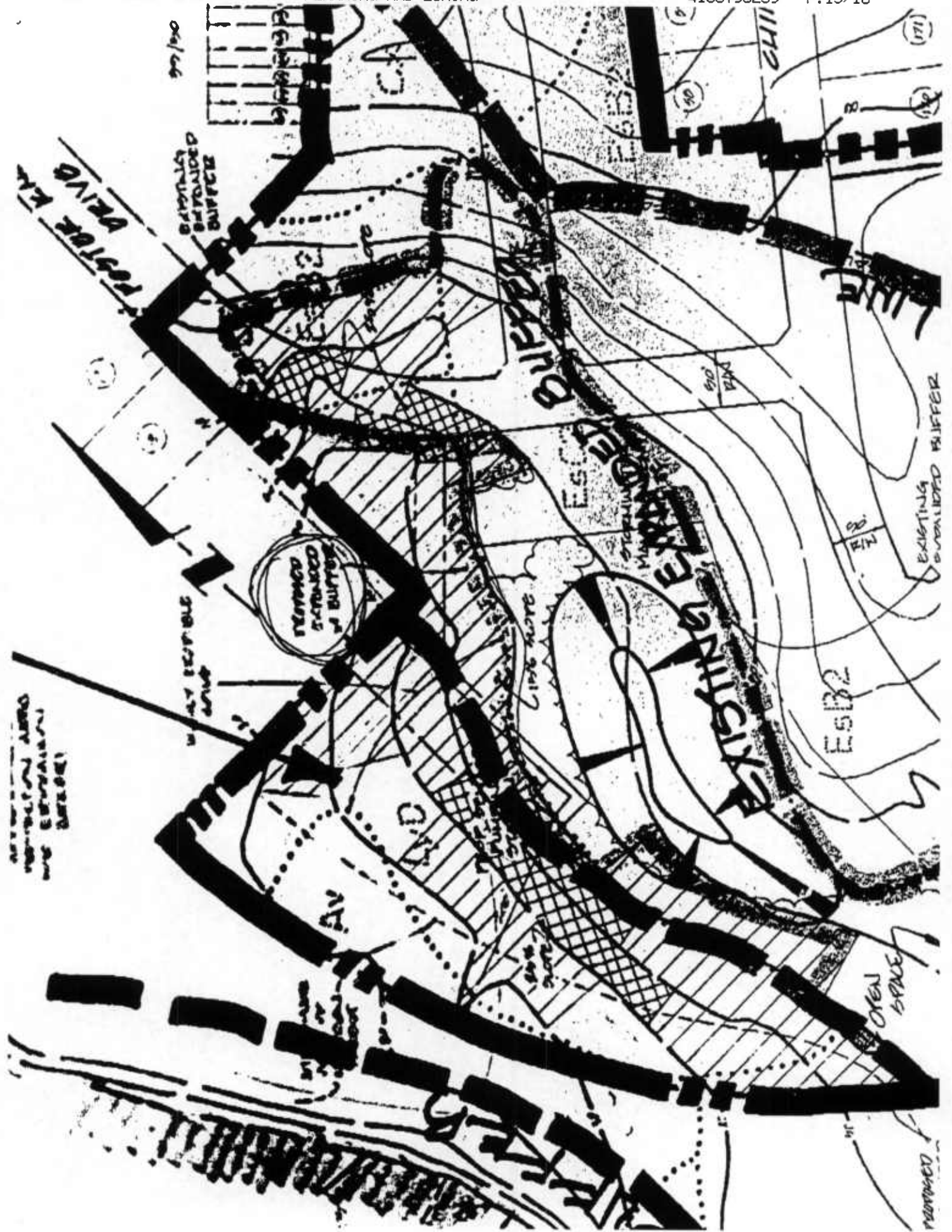
Case No. 4197 - Lee National Corporation

- 13. The Applicant shall install sediment controls around any soil stock piles.
- 14. All soil disturbances shall be stabilized within five (5) working days.

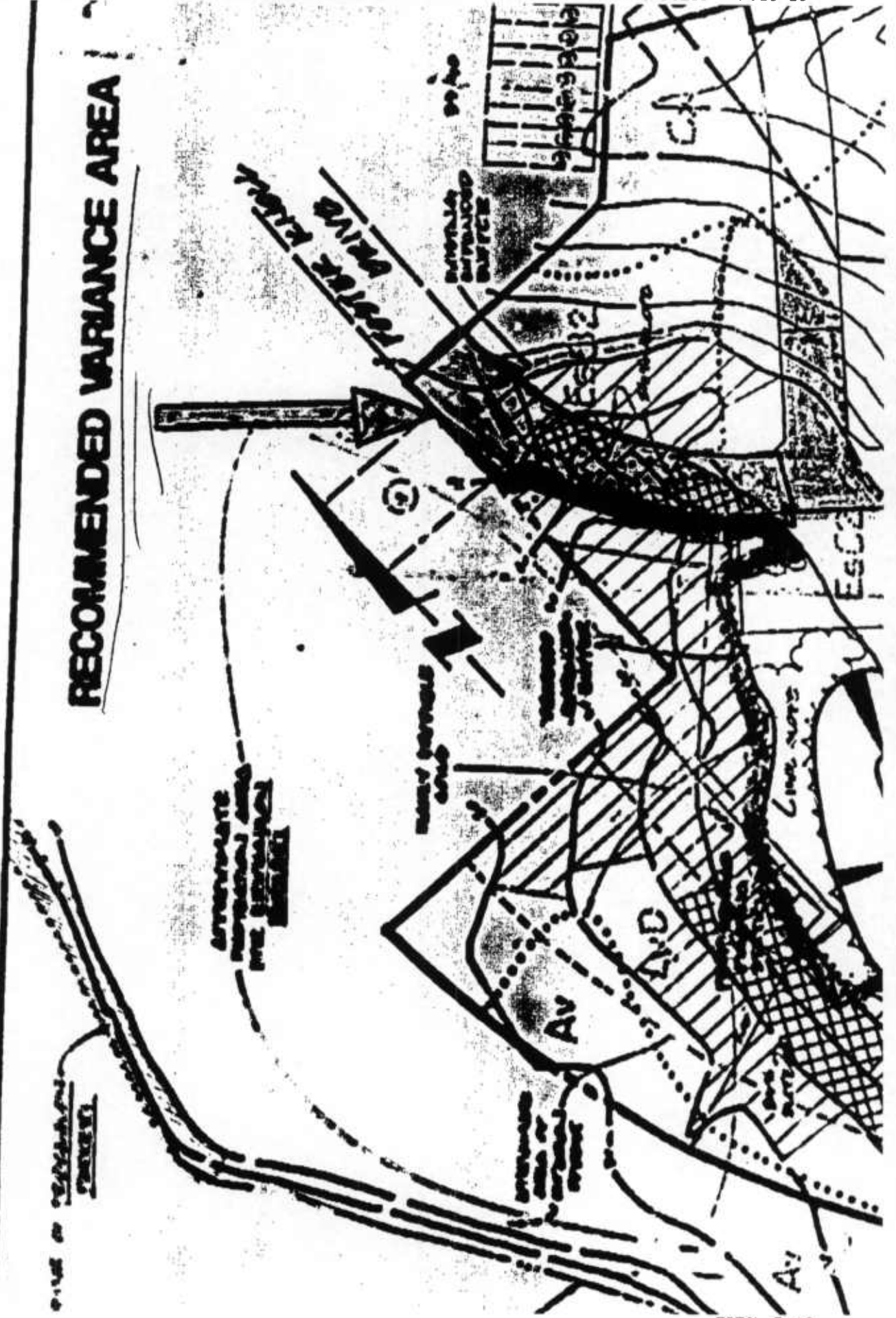
Date DECEMBER 3, 1991



L. A. Hinderhofer
Zoning Hearing Examiner



RECOMMENDED VARIANCE AREA

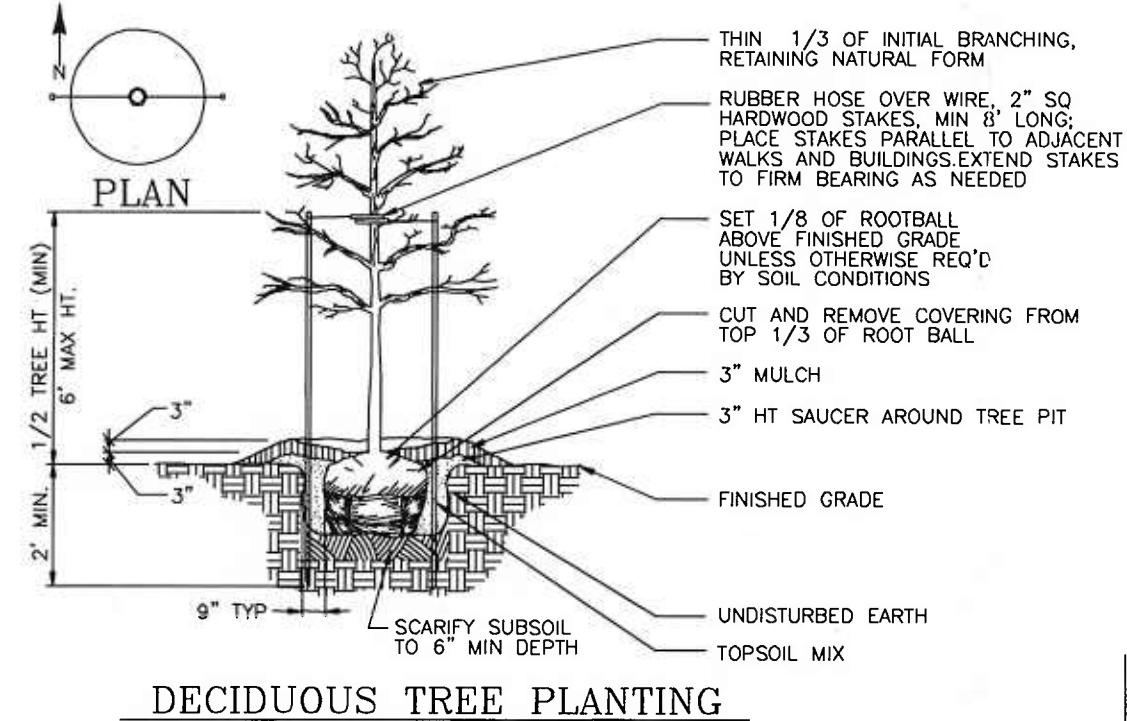
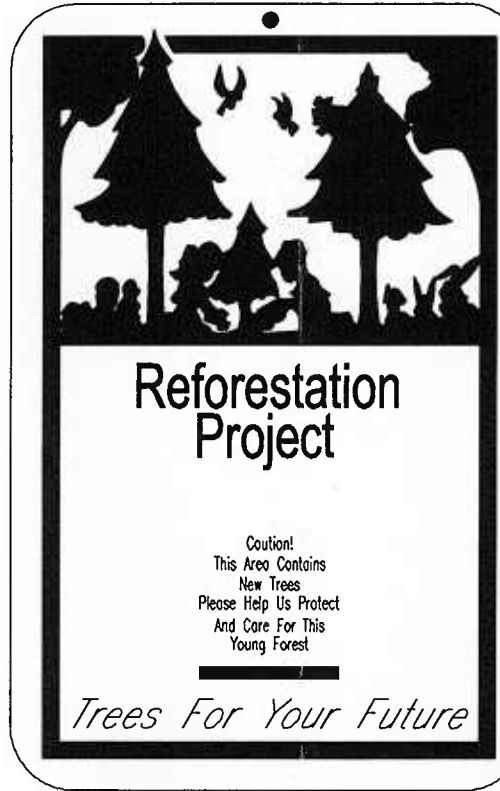


GENERAL PLANTING NOTES

- ALL PLANT MATERIAL SHALL CONFORM TO THE SIZES GIVEN IN THE PLANTING LIST AND SHALL BE NURSERY GROWN IN ACCORDANCE WITH THE "USA STANDARD FOR NURSERY STOCK" LATEST EDITION.
- ALL PLANTING SHALL BE IN ACCORDANCE WITH STANDARD AMERICAN ASSOCIATION OF NURSERYMEN PROCEDURES AND SPECIFICATIONS.
- THE DEVELOPER SHALL GUARANTEE FOR TWO (2) FULL GROWING SEASONS, 75% SURVIVAL OF ALL PLANT MATERIALS INSTALLED ACCORDING TO THIS PLAN. ALL PLANTINGS SHALL BE BONDED FOR THE SAME PERIOD.
- THE DEVELOPER AGREES TO PLANT THE SPECIFIED QUANTITY AND TYPE OF PLANTS AS OUTLINED IN THE PLAN.
- THE DEVELOPER AGREES TO PLANT THE MATERIAL IN THE APPROPRIATE SEASON FOR EACH PLANT TYPE.
- PLANT MATERIAL SHALL BE OBTAINED FROM HEALTHY NURSERY STOCK, HAVE A HEALTHY VIGOROUS ROOT SYSTEM, AND BE FREE OF PESTS, DISEASES, AND DISFIGUREMENT.
- SUBSTITUTION OF PLANT MATERIAL DUE TO AVAILABILITY MUST BE APPROVED BY THE HARFORD COUNTY OFFICE OF PLANNING AND ZONING.
- TREES SHALL BE PLANTED SO AS NOT TO INTERFERE WITH OVERHEAD OR UNDERGROUND UTILITY STRUCTURES.
- AT LEAST 75% OF THE PLANTINGS MUST SURVIVE FOR AT LEAST TWO GROWING SEASONS IN ORDER TO SECURE RELEASE OF THE FINANCIAL SURETY.

NOTES

- BOUNDARY WAS SURVEYED BY FWA, 2004.
- TOPOGRAPHY FROM HARFORD COUNTY GIS 2000.
- THERE IS NO 100-YEAR FLOODPLAIN ON THE PROPERTY ACCORDING TO FEMA MAP 24025C0259D JANUARY 7, 2000.
- A LANDSCAPING PLAN WILL BE SUBMITTED PRIOR TO FINAL CONSTRUCTION DRAWINGS.
- THE SUBJECT PROPERTIES ARE WITHIN THE INTENSELY DEVELOPED AREA OF THE CHESAPEAKE BAY CRITICAL AREA.



P.O. Box 727, 5 South Main Street
Bel Air Maryland 21014 - 0727
410-838-7900
410-893-1243 fax
www.frederickward.com

FWA
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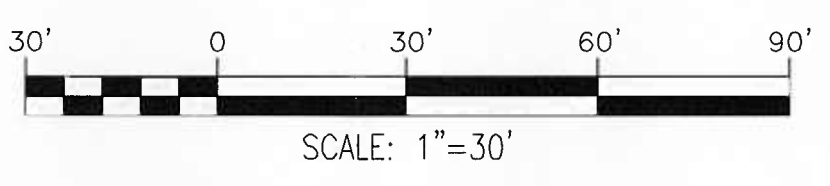
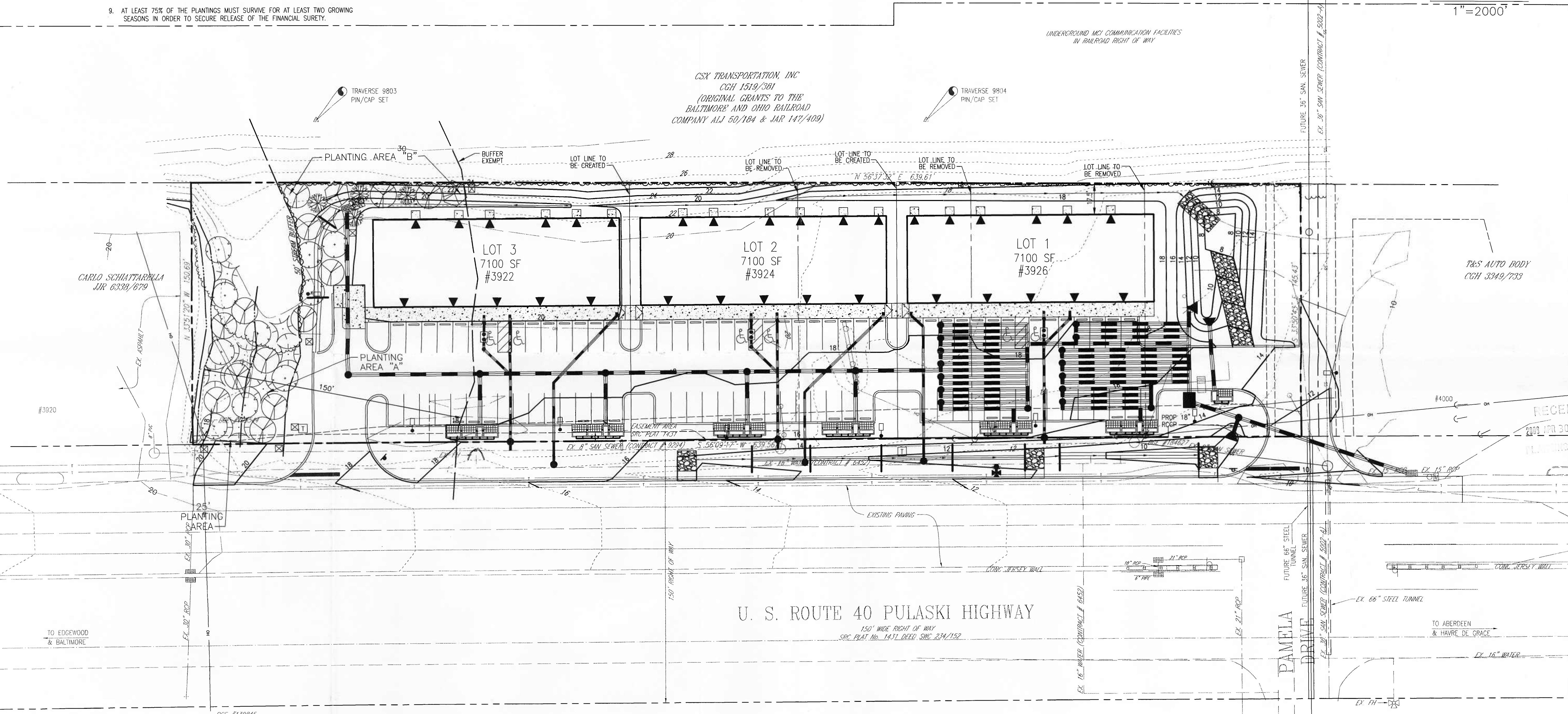
REV#	DATE	DESCRIPTION

OWNER/DEVELOPER
2922 PULASKI HIGHWAY, LLC
C/O ALEX PAIS
2210 PULASKI HIGHWAY
EDGEWOOD, MARYLAND 21040-1602
TELEPHONE NO. 410-676-9700

CHESAPEAKE BAY CRITICAL AREA
PLANTING PLAN
BUSH RIVER VILLAGE
3922 - 3926 PULASKI HIGHWAY
HARFORD COUNTY, MARYLAND
FIRST ELECTION DISTRICT

ENGINEER'S SEAL
RECEIVED
MAY 1 2008
CRITICAL AREA COMMISSION

DATE: 04/10/08
DRAWING NO.: CA1
SCALE: 1" = 30'
DESIGNED BY: ACS
DRAWN BY: BMF
SHEET 22 OF 22
FWA JOB NUMBER: 2061140.00



DEVELOPMENT SUMMARY

TAX MAP	PARCEL	PROPERTY OWNER	PREMISES ADDRESS	DEED REF	PLAT	ZONING	ACREAGE
62	434 LOT 1	2922 PULASKI HIGHWAY LLC	2922 PULASKI HWY ABINGDON, MD 21009	4163/636	62/85	B3 (RT 40 CRD OVERLAY)	1.19 AC
62	434 LOT 2	2922 PULASKI HIGHWAY LLC	ROUTE 40 ABINGDON, MD 21009	4163/636	59/105	B3 (RT 40 CRD OVERLAY)	0.34 AC
62	750	JAMES & THERESA THOMAS	ROUTE 40 ABINGDON, MD 21009	2230/87	---	B3 (RT 40 CRD OVERLAY)	0.34 AC
62	337	JAMES & THERESA THOMAS	3928 PULASKI HWY ABINGDON, MD 21009	1429/54	---	B3 (RT 40 CRD OVERLAY)	0.30 AC

TOTAL ACREAGE: 2.17 AC

PLANTING SCHEDULE

SYMBOL	AREA		COMMON NAME	WET	INSTALLED SIZE	SPACING
	25 FT	A B				
⊙	4	3 6	GREEN ASH	FACW	1" CAL B & B CONT.	15'
⊙	4	3 3	SYCAMORE	FACW	1" CAL B & B CONT.	15'
⊙	4	3 0	SERVICE BERRY	FAC	1" CAL B & B CONT.	15'
⊙	0	0 3	RED OAK	FACU	1" CAL B & B CONT.	15'
⊙	0	0 4	EASTERN RED BUD	FACU	1" CAL B & B CONT.	15'

TOTAL PLANTINGS: 37 PLANTINGS

IMPERVIOUS AREAS WITHIN 100 FT BUFFER

BUILDING: 650 SF
PARKING: 2,166 SF
WALKWAY: 1,028 SF
TOTAL: 3,844 SF

TOTAL PLANTING AREA REQUIRED: 7,688 SF
TOTAL PLANTING AREA PROPOSED: 1,922 SF
TOTAL 100' BUFFER PLANTING: 6,916 SF
TOTAL 25' BUFFER PLANTING: 772 SF
REMAINING PLANTING REQUIRED: 772 SF
PROPOSED FEE-IN-LIEU: \$926.40 (772 x \$1.20 = \$926.40), WHICH WAS ACCEPTED AND PAID ON 11/13/07.

LEGEND

- BOUNDARY LINE
- - - EXISTING CONTOURS
- SOILS BOUNDARY
- ~ ~ ~ EXISTING TREELINE
- - - EXISTING SEWER
- - - EXISTING WATER
- - - EXISTING STRUCTURE
- - - PROPOSED STRUCTURE
- ▭ REFORESTATION AREA
- ⊗ FOREST REFORESTATION SIGN

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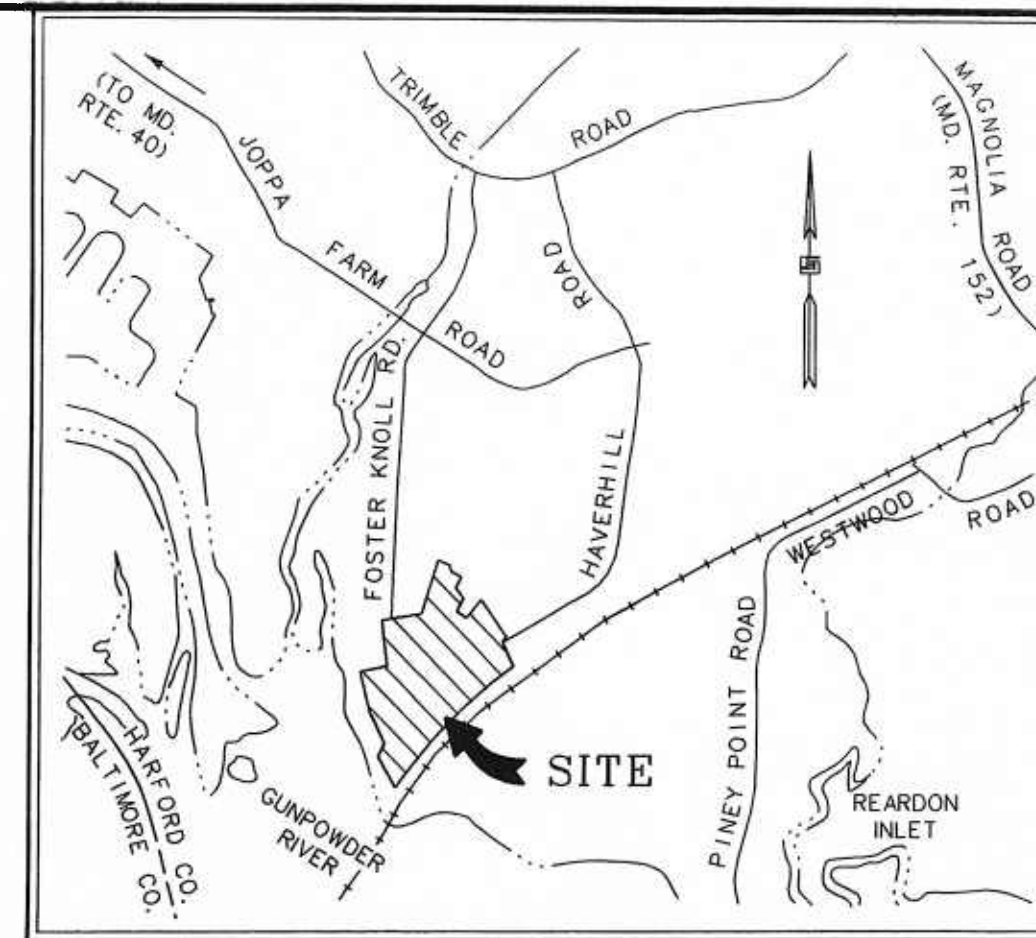
M.D. Doolittle
Department of Planning & Zoning

NOTES

- BOUNDARY FROM HARFORD COUNTY G.I.S. (2000). TOPOGRAPHY FROM HARFORD COUNTY G.I.S. (2000).
- THERE IS A 100-YEAR FLOODPLAIN ON THE SITE ACCORDING TO FEMA MAP NUMBER 24025C0063D AND 24025C0064D (1/17/2000).
- SOILS BOUNDARY AND INFORMATION FROM SOIL SURVEY OF HARFORD COUNTY, USDA 1975.
- BOARD OF APPEALS CASE: 4197

GENERAL SITE NOTES

- BOUNDARY FROM DEED LOT CREATED BY FREDERICK WARD ASSOCIATES, INC. AND BY HIGHLAND SURVEY ASSOCIATES, INC. (8/04) PARCEL 4 AND FROM TAX ASSESSMENT INFORMATION.
- TOPOGRAPHY FROM HARFORD COUNTY GIS, 2000.
- THERE IS NO 100-YEAR FLOODPLAIN ON THE SITE ACCORDING TO FEMA MAP NUMBER 24025C0185D (1/17/2000).
- SOILS BOUNDARY AND INFORMATION FROM SOIL SURVEY OF HARFORD COUNTY, USDA 1975.
- NO ADDITIONAL CLEARING OF ANY FORESTED AREA ON THE SUBJECT PROPERTY SHALL BE PERMITTED WITHOUT PRIOR APPROVAL FROM THE HARFORD COUNTY OFFICE OF PLANNING AND ZONING.
- ALL TREE CONSERVATION/PROTECTION MEASURES SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE DETAILS AND CONSTRUCTION SCHEDULE AS SHOWN ON THIS SHEET OF THE APPROVED FOREST CONSERVATION PLAN.
- SITE CONSTRUCTION IN AREAS NEAR LIMIT OF DISTURBANCE SHALL NOT BEGIN UNTIL THE ABOVE TREE PROTECTION MEASURES HAVE BEEN INITIATED AND APPROVED BY THE HARFORD COUNTY OFFICE OF PLANNING AND ZONING.
- ALL FENCED AREAS WILL BE MAINTAINED AND REPAIRED BY THE CONTRACTOR FOR THE DURATION OF THE CONTRACT.
- SELECTIVE PRUNING AND UNDERGROWTH REMOVAL WITHIN FENCED AREAS SHALL BE CONDUCTED UNDER THE SUPERVISION OF THE PROJECT ECOLOGIST.
- THIS PROJECT IS REQUIRED TO PLANT 2.26 ACRES OFF-SITE TO MEET THE FOREST CONSERVATION MANUAL REQUIREMENTS. MANEKIN CORPORATION HAS PURCHASED 2.26 ACRES OF FOREST, AT AN OFF-SITE TREEBANK OPERATED BY ECOTONE, INC. THIS REQUIREMENT WILL BE MET AT THE LYNN FARM (TAX MAP 2, PARCEL 16).



LOCATION MAP

SCALE: 1"= 2000'

SITE DATA

PREMISES ADDRESS: FOSTER KNOLL ROAD & HAVERHILL ROAD
JOPPA, MARYLAND 21085

TAX MAP: 69 PARCEL: 195
ZONED: (R3) RESIDENTIAL

DEED REF: 1174/804 & 1008/1019
TOTAL SITE ACREAGE: 29.55± AC

CHESAPEAKE BAY CRITICAL AREA: 20.28 AC
TOTAL FORESTED AREA: 28.02 AC

RETENTION THRESHOLD (30%): 8.41 AC
NET TRACT AREA (NTA): 9.27± AC

CONSERVATION THRESHOLD (30%): 2.78 AC
FOREST WITHIN NTA: 8.28± AC

PROPOSED NTA CLEARING: 7.61 AC
NTA FOREST TO REMAIN: 0.67 AC

REQUIRED REFORESTATION: 5.60 AC
ON-SITE REFORESTATION: 1.66 AC

STREET TREE CREDIT (30%): 1.68 AC
REMAINING REFORESTATION: 2.26 AC

OFF-SITE TREE BANK: 2.26 AC

SEQUENCE OF CONSTRUCTION - FOREST CONSERVATION

- PRECONSTRUCTION MEETING/SITE WALK WITH CONTRACTORS AND OTHER RESPONSIBLE PARTIES TO DEFINE PROTECTION MEASURES TO BE UTILIZED AND TO POINT OUT PARTICULAR TREES TO BE SAVED.
- STAKE OUT LIMITS OF DISTURBANCE AND TREE PROTECTION FENCING LOCATIONS.
- INSTALL TREE PROTECTION FENCING: FENCING TO BE INSPECTED BY THE PROJECT ECOLOGIST AND HARFORD COUNTY PLANNING AND ZONING.
- PROCEED WITH TREE REMOVAL AND SITE IMPROVEMENTS AS PER APPROVED SEDIMENT CONTROL PLAN - TO BE INSPECTED BY HARFORD COUNTY PLANNING AND ZONING.
- TREE PROTECTION DEVICES SHALL BE REMOVED AFTER ALL FINISHED GRADING AND UTILITY CONSTRUCTION HAS OCCURRED WITH APPROVAL FROM THE HARFORD COUNTY OFFICE OF PLANNING AND ZONING.
- SELECTIVE PRUNING AND UNDERGROWTH REMOVAL WITHIN FENCED AREAS SHALL BE CONDUCTED UNDER THE SUPERVISION OF THE PROJECT ECOLOGIST.
- INSTALL STREET TREES AFTER ALL CUT GRADING HAS BEEN COMPLETED.

GENERAL PLANTING NOTES

- ALL MATERIALS AND PROCEDURES USED IN THIS PROJECT MUST COMPLY WITH THE BASIC CONCEPTS OUTLINED IN THE "HARFORD COUNTY FOREST COVER CONSERVATION AND REPLACEMENT MANUAL".
- ALL PLANTING SHALL BE IN ACCORDANCE WITH STANDARD AMERICAN ASSOCIATION OF NURSERYMEN PROCEDURES AND SPECIFICATIONS. ALL PLANT MATERIAL SHALL CONFORM TO THE SIZES GIVEN IN THE PLANT LIST AND SHALL BE NURSERY GROWN IN ACCORDANCE WITH THE "USA STANDARD FOR NURSERY STOCK", LATEST EDITION.
- THE CONTRACTOR AND OWNERS REPRESENTATIVE SHALL VERIFY THE CORRECT LOCATION OF ALL UNDERGROUND UTILITIES IN THE FIELD PRIOR TO INSTALLATION OF ANY PLANT MATERIALS.
- PLANT MATERIAL LOCATION TO BE STAKED IN THE FIELD AND APPROVED BY THE LANDSCAPE ARCHITECT PRIOR TO PLANTING.
- OBTAIN APPROVAL FROM OWNER'S REPRESENTATIVE AND HARFORD COUNTY PLANNING AND ZONING BEFORE MAKING ANY SUBSTITUTIONS OR CHANGES.
- THE DEVELOPER SHALL GUARANTEE PLANTINGS FOR TWO (2) FULL GROWING SEASONS. 85% SURVIVAL OF ALL PLANT MATERIALS INSTALLED ACCORDING TO THIS PLAN. ALL PLANTINGS SHALL BE BONDED FOR THE SAME PERIOD.
- THE DEVELOPER AGREES TO PLANT THE SPECIFIED QUANTITY AND TYPE OF PLANTS AS OUTLINED IN THE PLAN.
- THE DEVELOPER AGREES TO PLANT THE MATERIAL IN THE APPROPRIATE SEASON FOR EACH PLANT TYPE.
- THE GENERAL CONTRACTOR IS TO PROVIDE ALL MATERIALS AND LABOR, INCLUDING PLANTS, PLANTER FILL MATERIALS, MULCHES, SOIL PREPARATION, DECORATIVE ITEMS, INSPECTION, TRANSPORTATION, WARRANTY, ETC. PROVIDE A WARRANTY ON ALL WORK FOR A MINIMUM OF ONE YEAR INCLUDING ONE CONTINUOUS GROWING SEASON. COMMENCE WARRANTY ON THE DATE IDENTIFIED IN THE CERTIFICATE OF SUBSTANTIAL COMPLETION. WARRANTY TO INCLUDE COVERAGE OF PLANTS FROM DEATH OR UNHEALTHY CONDITIONS. REPLACEMENT PLANTS SHALL BE THE SAME SIZE AND SPECIES AS SPECIFIED. PLANTED IN THE NEXT GROWING SEASON WITH A NEW WARRANTY COMMENCING WITH THE DATE OF THE REPLACEMENT.
- PLANT MATERIAL SHALL BE OBTAINED FROM HEALTHY NURSERY STOCK. HAVE A HEALTHY VIGOROUS ROOT SYSTEM, BE FREE OF DISEASE AND/OR INFESTATION AND BE FREE OF DISFIGUREMENT.
- MAINTAIN PLANT LIFE IMMEDIATELY AFTER PLACEMENT AND CONTINUE MAINTENANCE UNTIL TERMINATION OF WARRANTY. MAINTENANCE TO INCLUDE WEEDING, APPLICATIONS OF PESTICIDES, WATERING, TRIMMING AND PRUNING, DISEASE CONTROL, AND MAINTENANCE OF PLANT BRACING EQUIPMENT.
- THERE ARE PORTIONS OF REFORESTATION AREAS THAT NEED TO BE BUSH HOG MOVED BEFORE PLANTING. THESE AREAS MAY REQUIRE SPOT SPRAYING OF MULTIFLORA ROSE.

LEGEND

- PROPERTY BOUNDARY
- EXISTING CONTOURS
- EXISTING TRELIN
- STAND BOUNDARY
- EXISTING STRUCTURE
- SOILS BOUNDARY
- NONTIDAL WETLANDS
- WATERS OF THE U.S.
- 25' STATE WETLAND BUFFER
- 75' COUNTY HPA BUFFER
- SLOPES 15-25%
- SLOPES >25%
- CHESAPEAKE BAY CRITICAL AREA
- 100 YEAR FLOODPLAIN
- TREE PROTECTION FENCING
- TREE PROTECTION FENCING
- FOREST RETENTION SIGN
- EX LOT LABEL
- PROP LOT LABEL
- ONSITE REFORESTATION
- REFORESTATION SIGN

FOREST CLEARING CHART

	INSIDE CBCA	OUTSIDE CBCA	TOTALS
TOTAL FOREST	19.74 AC	8.28 AC	28.02 AC
TOTAL CLEARING	11.83 AC	7.61 AC	19.44 AC
TOTAL RETAINING	7.91 AC	0.67 AC	8.58 AC

ON-SITE REFORESTATION

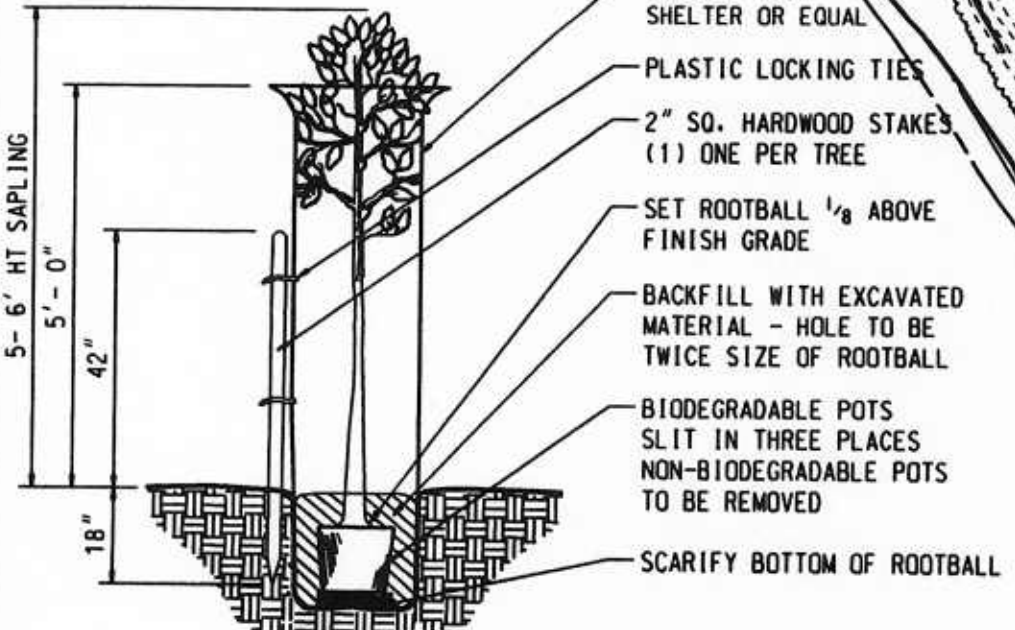
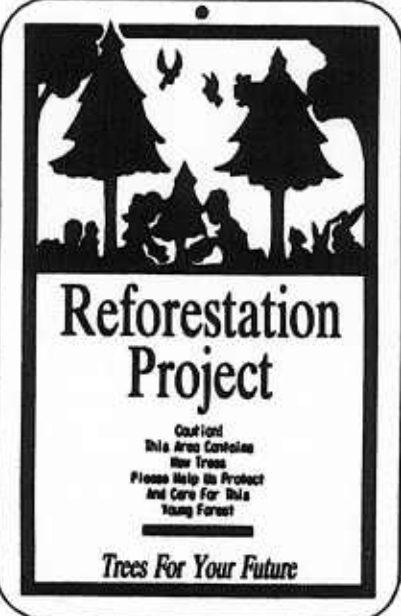
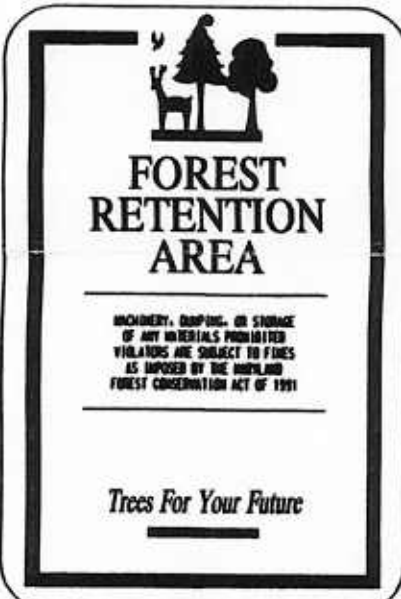
SYMBOL	QUANTITY			COMMON NAME	SIZE	LOCATION	SPACING
	A	B	C				
■	5	14	10	RED MAPLE	2" CAL	REFORESTATION AREA	20' x 20' RANDOM
■	4	14	10	TULIP POPLAR	2" CAL	REFORESTATION AREA	20' x 20' RANDOM
■	4	14	10	RED BUD	2" CAL	REFORESTATION AREA	20' x 20' RANDOM
■	4	14	9	GREEN ASH	2" CAL	REFORESTATION AREA	20' x 20' RANDOM
■	4	14	9	SERVICE BERRY	2" CAL	REFORESTATION AREA	20' x 20' RANDOM
○	7	5		WILLOW OAK	2" CAL	SWM POND	20' x 20' ON CENTER
○	7	5		BALD CYPRESS	2" CAL	SWM POND	20' x 20' ON CENTER
■	7			ARROW WOOD	3" CAL	REFORESTATION AREA	20' x 20'
TOTAL				28	84	58	170 TOTAL TREES/ SHRUBS FOR REFORESTATION

STREET TREE PLANTINGS

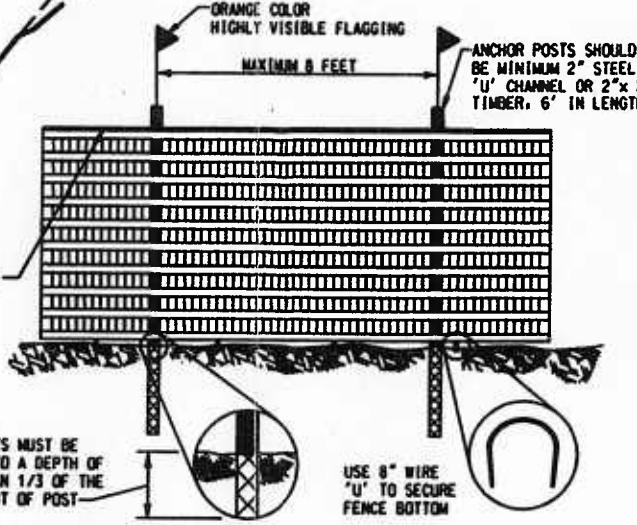
SYMBOL	NO.	NAME	SIZE	LOCATIONS	SPACING
■	22	TREE SIGNS	N/A	AS SHOWN	AS SHOWN
○	32	SYCAMORE	12"-14" HT B & B	STREET TREE	AS SHOWN

PLAN TYPE FCP
PLAN NO. 05-309
SERIES NO. 003
DATE 8-3-06
DAR/DUE

[Signature]
DATE 8/10/06
CHUCK SCHNEIDER DATE
DNR QUALIFIED FOREST PROFESSIONAL



TREE SHELTER DETAIL NOT TO SCALE



DETAIL - FOREST PROTECTION OPTION: PLASTIC MESH FENCING NOT TO SCALE

REV#	DATE	DESCRIPTION
1	12/07/05	REFORESTATION REVISIONS
2	03/17/06	REFORESTATION REVISIONS

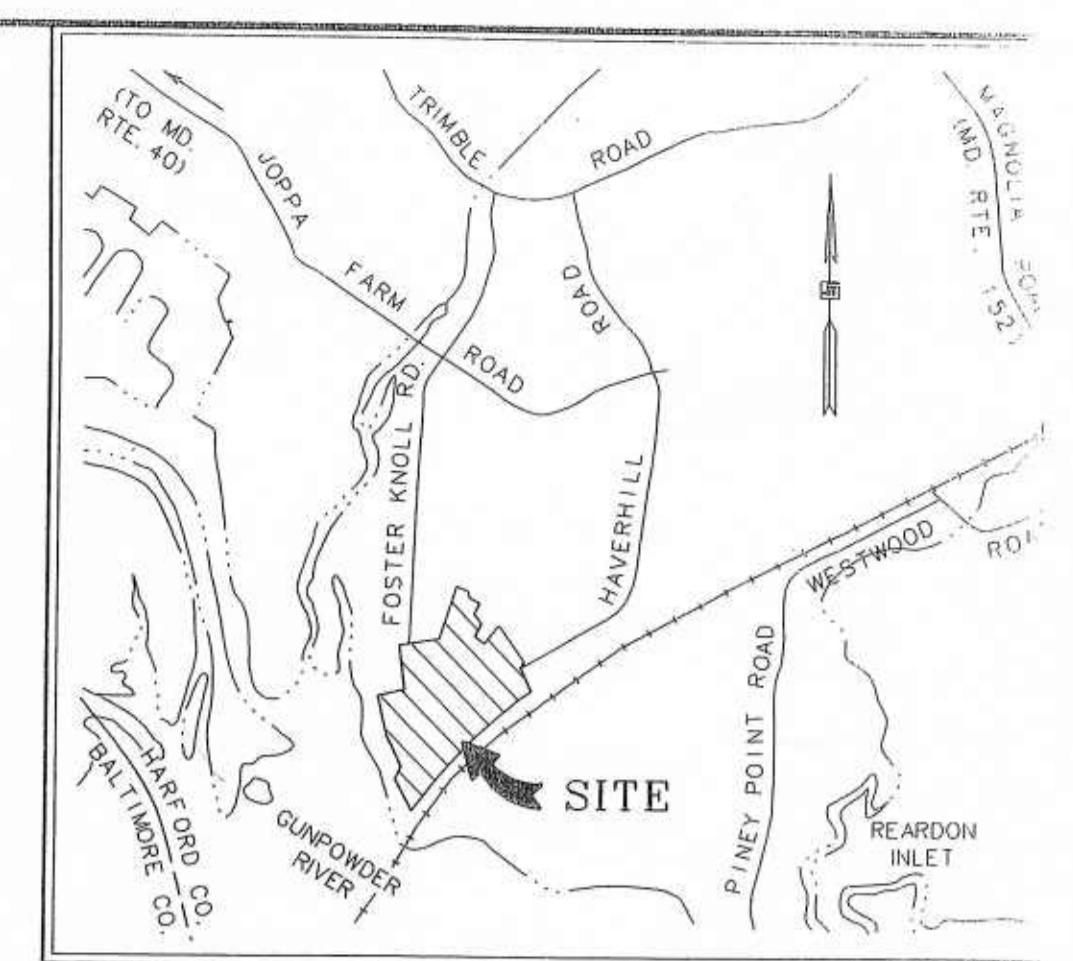
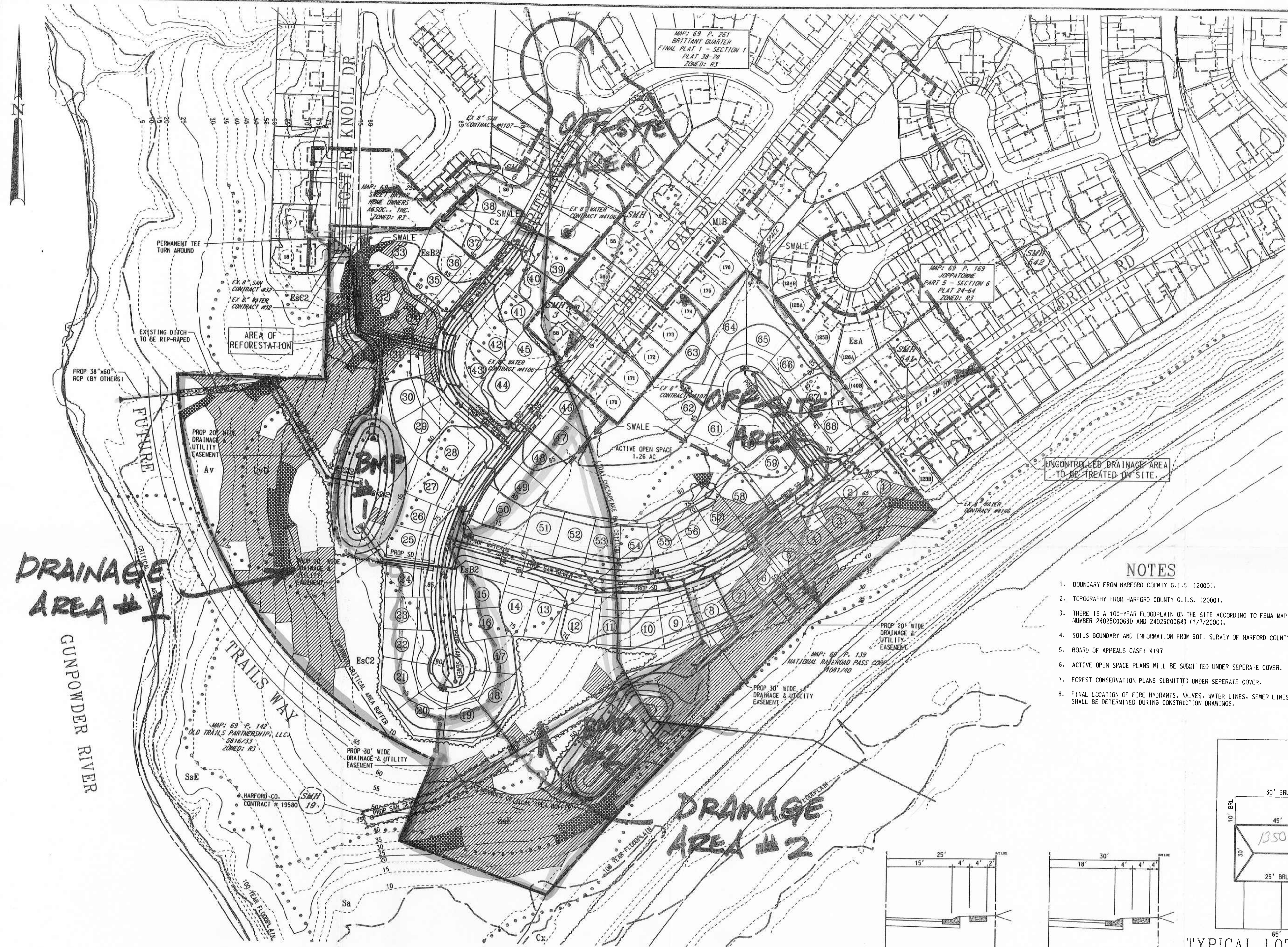
DEVELOPER
MANEKIN CORPORATION
7061 COLUMBIA GATEWAY DRIVE
COLUMBIA, MD 21046

OWNER
LEE NATIONAL CORPORATION
645 5TH AVENUE - 8TH FLOOR
NEW YORK, NY 10022

P.O. Box 727, 5 South Main Street
Bel Air, Maryland 21014-0727
410-879-2090
410-893-1243 fax
www.frederickward.com

FOREST CONSERVATION PLAN BRITANNY QUARTERS

10/25/2011 11:17 AM ENR\PP01.DGN 3/9/2006 9:37:47 AM



LOCATION MAP

SCALE: 1" = 2000'

SITE DATA

PREMISES ADDRESS: FOSTER KNOLL ROAD & HAVERHILL ROAD
 JOPPA, MARYLAND 21085

TAX MAP: 69 PARCEL: 195

ZONED: (R3) RESIDENTIAL

DEVELOPMENT TYPE: COMMUNITY DEVELOPMENT PROJECT (CDP)

PROPOSED USE: SINGLE FAMILY DETACHED

DEED REF: 1174/804 & 1008/1019

TOTAL SITE ACREAGE: 29.55± AC

CHESAPEAKE BAY CRITICAL AREA: 20.28 AC

DESIGNATION: INTENSELY DEVELOPED AREA (IDA)

PERMITTED DENSITY: 10 DWELLING UNITS PER ACRE (295 DWELLINGS)

PROPOSED NUMBER OF LOTS: 68

PROPOSED DENSITY: 2.3 DWELLING UNITS PER ACRE

REQUIRED OPEN SPACE: 5.91 AC

PROVIDED OPEN SPACE: 8.20 AC

REQUIRED ACTIVE OPEN SPACE: 2.36 AC

PROVIDED ACTIVE OPEN SPACE: 1.26 AC
 (1.10 AC TO BE PROVIDED BY FEE-IN-LIEU)

TOTAL FORESTED AREA: 28.02 AC

CRITICAL AREA FOREST: 19.74 AC

FOREST REMOVED OUTSIDE CRITICAL AREA: 7.61 AC

FOREST REMOVED WITHIN CRITICAL AREA: 11.83 AC

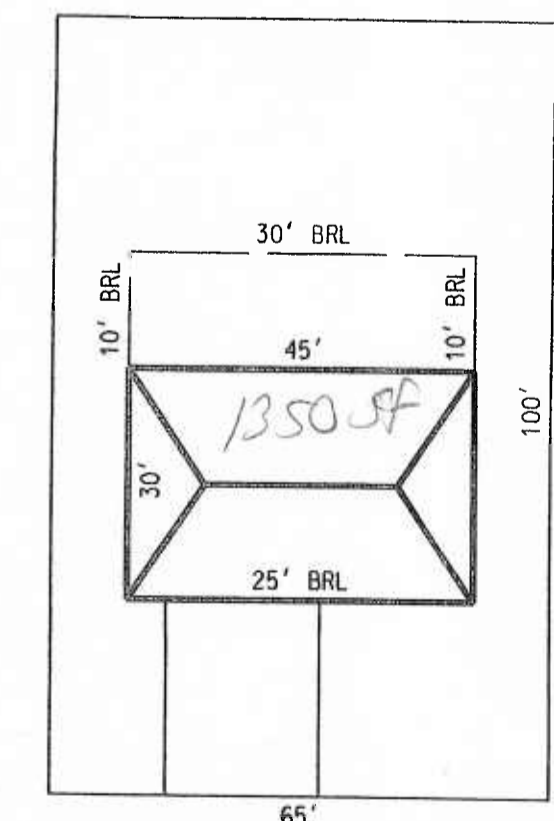
TOTAL FOREST REMOVED: 19.44

NOTES

- BOUNDARY FROM HARFORD COUNTY G.I.S. (2000).
- TOPOGRAPHY FROM HARFORD COUNTY G.I.S. (2000).
- THERE IS A 100-YEAR FLOODPLAIN ON THE SITE ACCORDING TO FEMA MAP NUMBER 24025C0063D AND 24025C0064D (1/7/2000).
- SOILS BOUNDARY AND INFORMATION FROM SOIL SURVEY OF HARFORD COUNTY, USDA 1975.
- BOARD OF APPEALS CASE: 4197
- ACTIVE OPEN SPACE PLANS WILL BE SUBMITTED UNDER SEPERATE COVER.
- FOREST CONSERVATION PLANS SUBMITTED UNDER SEPERATE COVER.
- FINAL LOCATION OF FIRE HYDRANTS, VALVES, WATER LINES, SEWER LINES ETC. SHALL BE DETERMINED DURING CONSTRUCTION DRAWINGS.

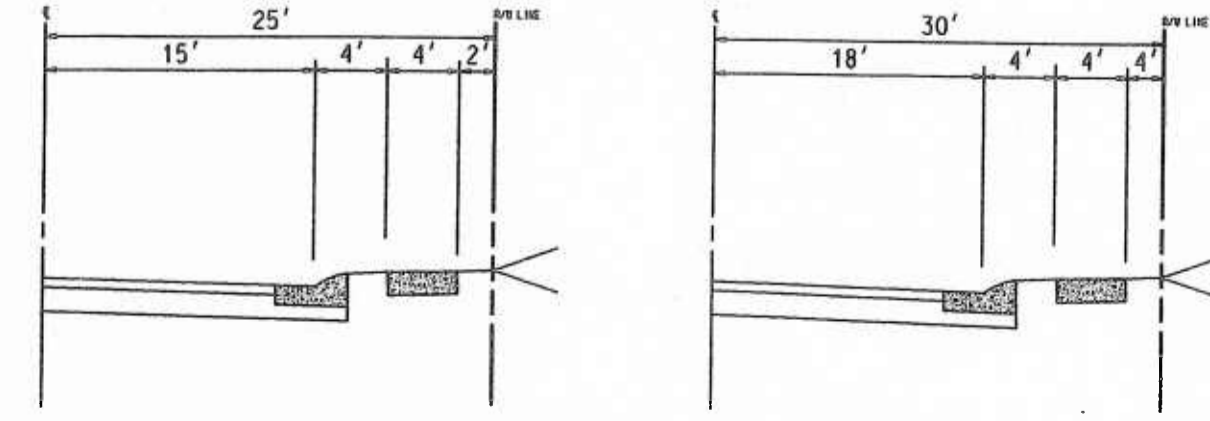
LEGEND

- PROPERTY BOUNDARY
- - - EXISTING CONTOURS
- - - EXISTING TREE LINE
- STAND BOUNDARY
- - - EXISTING STRUCTURE
- SOILS BOUNDARY
- NONTIDAL WETLANDS
- WATERS OF THE U.S.
- 25' STATE WETLAND BUFFER
- 75' COUNTY NRD BUFFER
- SLOPES 15-25%
- SLOPES >25%
- CHESAPEAKE BAY CRITICAL AREA
- 100 YEAR FLOODPLAIN
- (140B) PROPOSED CLEARING
- (140B) EX LOT LABEL
- (68) PROP LOT LABEL



TYPICAL LOT LAYOUT

NOT TO SCALE
 NOTES: SIDE YARD SETBACK= MIN. 8' AND 20' TOTAL
 ALL LOTS ARE A MIN. OF 6,000 SF



TYPICAL ROAD SECTIONS
 NOT TO SCALE

REV#	DATE	DESCRIPTION
1	12/06/05	REVISED S.D. LAYOUT TO CAPTURE OFF SITE DRAINAGE

DEVELOPER
MANEKIN CORPORATION
 7061 COLUMBIA GATEWAY DRIVE
 COLUMBIA, MD 21046

OWNER
LEE NATIONAL CORPORATION
 645 5TH AVENUE - 8TH FLOOR
 NEW YORK, NY 10022

FWA
FREDERICK WARD ASSOCIATES
 ARCHITECTS | ENGINEERS | PLANNERS | SURVEYORS
www.frederickward.com

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 Bel Air, Maryland 21014-0727
 410-879-2090
 410-893-1243 fax

PRELIMINARY PLAN
10% RULE MAP
BRITTANY QUARTERS

ENGINEER'S SEAL	DATE: 09/30/05	DRAWING NO.:
	SCALE: 1" = 100'	PP01
	DESIGNED BY: EMS	SHEET 1 OF 1
	DRAWN BY: JHS	FNA JOB NUMBER: 2051137.00

1ST ELECTION DISTRICT

HARFORD COUNTY, MARYLAND